

UNITED STATES DISTRICT COURT  
for the

Western District of Virginia

JUN 06 2016

JULIA C. DUDLEY, CLERK  
BY: *h. dudley*  
DEPUTY CLERK

United States of America

v.

Case No. 3:16mj00008

Ahmed Thamer Al-Ani

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 3, 2016 in the county of Albemarle in the  
Western District of Virginia, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 8, United States Code, Section 1324(a)(2)(B)(ii)	Attempt to Bring an Alien to the United States for Financial Gain
Title 8, United States Code, Section 1324(a)(1)(A)(iv).	Encouraging and Inducing an Alien to Come To the United States

This criminal complaint is based on these facts:

Please see attached Affidavit of Special Agent David Wolf

 Continued on the attached sheet.*David Wolf*

Complainant's signature

Special Agent David Wolf, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 6/6/2016*Joel C. Hoppe*

Judge's signature

Honorable Joel C. Hoppe

Printed name and title

City and state: Charlottesville, Virginia

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA )  
                                  )  
v.                              )  
                                  )  
AHMED THAMAR DARWEESH AL ANI )

Criminal No. 3:16-mj-00008

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

Your Affiant, David Wolf, being duly sworn, deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since February of 2013. I am currently assigned to the Richmond Division of the FBI, Charlottesville Resident Agency. During the course of my duties, I have conducted numerous criminal and national security investigations.
  
2. I am aware that Title 8, United States Code, Section 1324 makes it a crime for anyone to encourage or induce an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law. See 8 U.S.C. § 1324(a)(1)(A)(iv). I am also aware that Title 8, United States Code, Section 1324 also makes it a crime for any person, knowingly or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, to bring to, or attempt to bring to the United States in any manner whatsoever, such alien. See 8 U.S.C. § 1324(a)(2). Having so said, I make this affidavit in support of a criminal complaint charging Ahmed Thamar Darweesh Al Ani (hereafter “Al Ani”), date of birth 05-09-1965, with violating Title 8, United States Code, Section 1324.

3. All information contained in this affidavit is based upon my personal knowledge, observations, and review of documents and records, or that of other sworn law enforcement officers participating in this investigation. This affidavit does not include each and every fact known to law enforcement. I have set forth only those facts necessary to support probable cause to charge Al Ani on the charge listed above.

4. Al Ani is from Iraq and currently resides in the Western District of Virginia. Al Ani is proprietor of the Alane LLC, whose legal address is also within the Western District of Virginia. Al Ani came to the United States on or about September 4, 2013, and was admitted to the United States under an SQ1 Visa, which is an immigrant visa.

5. The investigation has revealed that Al Ani tried to assist at least two individuals, Firas Al Qesi and a possible undisclosed second individual, to obtain fraudulent documents to attempt entry to the United States. Al Qesi was interviewed at the Baghdad embassy as part of the process to gain entry to the United States. The Department of State confirmed that an individual did come to the U.S. Embassy in Baghdad for an interview but walked out of the interview after having difficulty answering the questions asked by the embassy employee. The second, undisclosed individual, made successful entry into the U.S. believed under false pretenses.

6. On or about May 28, 2016, an FBI undercover employee (“UCE”) began communicating with Al Ani both by a secure communications applications and telephone. These communications were recorded.

7. On or about May 28, 2016, a conversation took place between the UCE and Al-Ani. In this conversation, the following exchange took place:

UCE	Yeah, yeah.
AA	Are you in Baghdad or here?
UCE	No, no; I'm here in New Jersey.
AA	Where?
UCE	In New Jersey—New Jersey; in the north.
AA	Oh, oh. Ok. Dear, the man you have—is he in Baghdad?

UCE	Yes. The man I have is in Baghdad, uh, and currently he is in some kind of trouble; they are looking for him and I want to get him out of Iraq and bring him here.
AA	Meaning, there is a [UI]; you mean a ban.
UCE	Uh, possibly; I mean, I don't know exactly, 100% sure.
AA	No, you have to concentrate [UI][OV]--
UCE	[OV] He does not have, I mean-- sorry, he has not been arrested before, I mean, as far as I know, but--
AA	Yes, but there is an arrest warrant issued against him currently, Ok, and his name has been flagged, right?
UCE	Yes—yes.
AA	Definitely terrorism; a Sunni; it must be [Article] - 4 terrorism, 100%.
UCE	Unfortunately [chuckles]; what can we do.
AA	Yeah; that's all they have; those bastards. This is the only thing they have; any Sunni will be put on [Article] - 4 Terrorism.
UCE	Yes.
AA	My dear, here--
UCE	So--
AA	--we will produce for him documentation in a different name; a name of a non-wanted person, and produce a passport for him, Ok?
UCE	Yeah.
AA	--complete it for him and give him his passport so that he may depart Baghdad heading to Beirut, Ok? In order that we get him out.
UCE	Yes.
AA	--transport him from Iraq to Beirut.
UCE	Can we—can we bring him here?
AA	First you have to get him out of there—first you have to get him out of there.
UCE	Yeah--
AA	Get him out of there first-- get him out of there, get him away, Ok? Let him stay in Beirut; we will prepare a business invitation for him on the pretext that, uh, there is a company that is going to invite him [UI] to come here. The invitation is for [UI] a month. The expenses will be-- considering the expenses will be paid by the company, but in reality, Ok, the expenses will be on him, not the company.
UCE	Fine, but—[OV]
AA	Yeah; once he gets here, Ok, they will meet him at the embassy. When they meet him at the embassy he may tell them that I have business matters and I want to so and so and this is so and so company has invited me in order to deal for the interest of both parties: my interest and the company's interest.
UCE	Can't we make it shorter by only produce a passport for him and he can meet at the embassy in Baghdad then depart?
AA	When you produce the passport for him, is it going to be in his name or somebody else's name?

UCE	In the name of—it would be better if someone else's name.
AA	I'm telling you in someone else's name since his name is now suspicious.
UCE	Yeah; we'll produce a passport in someone else's name and--
AA	Yeah--
UCE	--and he can meet—he can meet the embassy in Baghdad; wouldn't that be easier?
AA	No, not better. Not better. Get him out of there and make all his affairs abroad so that you ensure his presence outside the range.
UCE	Hmm.
AA	It's up to you; it's not up to me. Whatever you like. I'm talking in your benefit.
UCE	I am—I understand and I thank you, but I want to make it shorter. I want him to get out of Baghdad and that's it. Bring him here and it's the end of it.
AA	There is nothing that is processed easily. If we now want to make him an invitation, the invitation will take at least 3 days to a week, right?
UCE	Fine, [OV]--
AA	[OV] they will send him an e-mail--
UCE	He can hold up--
AA	No, wait--
UCE	He can hold up.
AA	The will – they will send an e-mail to him and an e-mail to the embassy.
UCE	Yeah.
AA	They will specify a date for the embassy interview. The embassy will issue him an appointment, possibly they will give him an appointment after two weeks; possibly after one week; possibly after a month, depending on the load whether there is a load on them or not. The will specify a date for them--
UCE	Yes.
AA	--he will be having an interview at the embassy and when he meets at the embassy, they will ask him some questions: how do you know this company; what's is your relationship with it; how so and so--
UCE	Right.
AA	He may tell them that my relationship with this company is a belonging relationship and the person over there has invited me to this job so that the two of us may cooperate in mine and his principals for trading, for example, in cars or trading in something specific—an agreed-upon thing, Ok?
UCE	Yeah.
AA	So this is what is going to take place, I mean. They will ask him what is your capability; so he may take title deeds of property from Baghdad if he has—does he have a property in his name or not?
UCE	I don't think he does.
AA	Ok, he does not have. We may make him title deeds unofficially, Ok--
UCE	Yeah.

AA	--so that he may submit them there, tell them these are my title deeds. They will look at it—they will only make copies. Just so that they may say this guy is not nobody person, with all due respect to you; they will say this wealthy man.
UCE	I understand—I understand.
AA	So it is unlikely that he would abandon his wealth and flee. [coughing]
AA	So this is all to it, I mean. They will ask him some questions: information about his name; information about his family and information about his brothers and sisters, I mean, they will ask him this kind of information, Ok? Have you been previously indicted or not, I mean, general questions. So here, his name will be the forged name that they will give him, huh, so that he memorizes it. These matters as you know are not good over there; it is best that he goes abroad and there he can forge things comfortably, so that he is [UI]. Unlike there, he will go into the Green [Zone] and they will run his name and if they catch him—there is a possibility that someone chews him. You know nowadays over there it is very easy to do so, huh? Thus they will open a forgery case and another case.
UCE	Hmm.
AA	While if he is abroad, and from there he can sit and meet and do anything at his leisure.
UCE	I'm worried about him that even in Lebanon there are problems. It's hard to tell.
AA	If it is not Lebanon, he may go to any other country—any country; China, he can go anywhere.
UCE	Meaning if--
AA	The main thing is to leave the range he's in.
UCE	If he is in Baghdad, and you produce a passport for him using a different name--
AA	Huh?
UCE	--wouldn't that be better? He can hop on a plane and go.
AA	I'm not telling you easier or not; what I'm telling you is they have to produce for him an ID, Citizenship certificate, Residence and Rationing ID, in different names. They will [UI], Ok, and produce a passport for him.
UCE	Ok.
AA	When they hand it to him, it will be all official. The job of this group ends here. A second job will start. Meaning, all this needs time, you know, the ID and the Citizenship certificate will not be done in a day; he will not finish it over night. Meaning, this is the thing. So think about it; think about what I said and if you like it, I have no problem; if you don't like it, I will work on yours—your plan and it's up to you; you are the one who wants it this way, not me.
UCE	Thank you. Ok, the visa to come to the U.S., are you going to apply for him here?

AA	We are going to issue him a business invitation from here.
UCE	From here, Ok.
AA	I will send it—I will send it to his personal e-mail.
UCE	Ok.
AA	Then send it to the embassy website and specify—and address the embassy to specify an appointment date for him. They will specify an appointment date for him. When he goes to the appointment, you and I will not be there--
UCE	Of course not.
AA	He will go and meet and he has to stick to his words and the photocopies of the papers that we are going to give him.
UCE	Ha.
AA	Showing that he does have the financial capability that he has so and so, in order to—these are the issues. Over there, it's between he and them. If he proves himself and knows how to talk, Ok, they will take his passport and \$160 and issue him a visa, huh, a business visa. If he does not know how to talk, with all due respect to you, not organized, huh, they will stamp and tell him goodbye.
UCE	Right.
AA	Yeah, so this is subject. [UI].
UCE	I understand. Ok.
AA	Hmm.
UCE	Ok, and the application, has to be on the internet, right? You go online--
AA	I am the one who will issue the invitation for him.
UCE	Ha.
AA	I will go the group here by me to do it for him.
UCE	[OV] This is—this is what I was looking for, I mean, because—[OV]
AA	[UI].
UCE	--you know the details—you know the details.
AA	Huh?
UCE	[OV] because you know the matter.
AA	I will issue him the business invitation, with the people here, and I will do it for him and the people there will complete his paperwork and issue it for him. That's it. If you want it this way, call me and I'm ready.
UCE	Ok, Ok. [OV]
AA	What is the price?
UCE	Yes, please.
AA	The price of the ID, the citizenship and passport issued in Baghdad will cost him one Daftars and a half.
UCE	Ok, one Daftars and a half.
AA	This is to issue him such. The business invitation they will issue for him, will be approximately 50 Warqa, meaning, the whole operation will cost you two bundles. If you have two Daftars, call me.
UCE	So it's \$5,000 here for—for—for the visa.
AA	This is \$5,000 for the business invitation. One Daftars and a half for the

	offices of Census, Citizenship, Information Office, Commerce, Passport.
UCE	One Dafter and a half means 15,000, right?
AA	Fifteen-thousand dollars.
UCE	Fifteen-thousand dollars, Ok, I understand.
AA	Think about it and call me today or tomorrow, take your time, huh, so that I may tell him where to take his photos to the person who will receive it from him, huh; in Al-Mansour District. Where does he live, in Al-Mansour or somewhere else? I live in Al-Mansour.
UCE	No, he is in Hay Al-Jami'ah, if you know where that is.
AA	Ok, Hay Al-Jami'ah is nearby Al-Mansour area [UI].
UCE	Yeah.
AA	Yeah.
UCE	Ok, good.
AA	Think about it and call me.
UCE	No problem.
AA	Ok.
UCE	Thank you very much.
AA	At your service.
UCE	Thank you. What's up?
	[End of call].

8. Al Ani is listed as the subscriber for the telephone number used during Al-Ani's conversations with the UCE (540-383-0491), and the billing address for that phone number is the same as that listed by Alane LLC.

9. Database searches for businesses associated with Al Ani revealed Alane LLC as the only business with which Al Ani has a relationship. Al Ani, in a separate phone conversation with the UCE, stated that the Alane LLC is the company that will invite the fictitious Iraqi to the U.S. Al Ani also stated in the recordings that three copies of the business invitation letter will be sent, one to the fictitious Iraqi, one to the Embassy, and one for the UCE, which will be done in exchange for \$5,000 dollars.

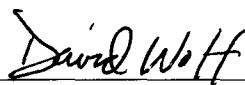
10. On June 3, 2016, at 9:59 a.m., Al Ani sent a fraudulent business invitation letter, via email, to an account he believed to be used by the fictitious person in Iraq. The letter was addressed to the U. S. Embassy in Baghdad, and the letter requested that the

fictitious person be granted a visa for entry into the United States. Al Ani's fraudulent business invitation letter listed the name of the fictitious person in Iraq, and stated that the fictitious person was a "potential partner in Iraq who would be an asset and a great help for our company in the States . . . [w]e appreciate if you would be kind enough to facilitate his entry visa."

11. Later in the afternoon of June 3, 2016, Al Ani met with the undercover employee at the Courtyard Marriot Hotel, located at 638 Hillsdale Drive, Charlottesville, Virginia. During the meeting, Al Ani took payment in the amount of \$5,000 in cash for providing the fraudulent business invitation letter to the fictitious person in Iraq. Al Ani was arrested by FBI agents on the scene.

### CONCLUSION

Based on the foregoing, your Affiant submits there is probable cause that Ahmed Thamar Darweesh Al Ani committed a crime in violation of Title 8, United States Code, Section 1324.



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David Wolf

Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 6<sup>th</sup> day of June, 2016, in Charlottesville, Virginia:



Honorable Joel C. Hoppe  
United States Magistrate Judge